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38823 7590 12/27/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T Delaware Intellectual Property, Inc. 600 GALLERIA PARKWAY, S.E. SUITE 1500 ATLANTA, GA 30339-5994			EXAMINER COLAN, GIOVANNA B	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/729,496
Filing Date: December 05, 2003
Appellant(s): THORNTON ET AL.

Charles W. Griggers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/27/2007 appealing from the Office action mailed 11/01/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0149372 A1	KITE	11-2003
2003/0208397 A1	VANDUSEN	4-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kite et al. (Kite hereinafter) (US Patent App. Pub. No. 2005/0149372 A1, filed: November 7, 2003) in view of VanDusen (US Patent App. Pub. No. 2003/0208397 A1, filed: April 30, 2001).

Regarding Claim 1, Kite discloses a fiber splice management and assignment system, comprising:

a database operable to store a fiber splice record associated with a wirecenter (Page 7, [0318], lines 4 – 6 and 9 – 11, Kite), the fiber splice records identifying a fiber splice job to be performed at the wirecenter (Page 7, [0318], lines 9 – 11; features/attributes to the FMT SDO Database; both automatically from mechanized wire centers, and manually for non-mechanized wire centers ...; Kite), the fiber splice management (Page 7, [0318], lines 1 – 14, The FMT may include functionality of, or integrate with, existing Mechanized Facility Management database ..., Kite) and assignment system tracking fiber splice jobs identified by a plurality of fiber splice records (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign ..., Kite), the fiber splice jobs corresponding to generated engineering work-orders (Page 46, [0562], Table:

“EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment”, Kite);

Kite discloses all the limitations as discussed above. However, Kite is silent with respect to workflows and credit amounts. On the other hand, VanDusen discloses tracking workflows jobs (Page 26, [1034], lines 13 – 17, VanDusen), which further includes receive a credit amount associated with jobs (Page 14, [0557], line 1, VanDusen).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the VanDusen’ teachings, including workflow teachings to the system of Kite. Skilled artisan would have been motivated to do so, as suggested by VanDusen (Page 1 and 8, [0021] and [0237], lines 1 – 6 and 1 – 10; respectively, VanDusen), to allow diversely skilled and distributed teams to control, coordinate and collaborate within creation process; and to allow, for example, pre qualified IT and Electronic Graphic Design professionals to bid on task assignments, complete project management updates, and receive compensation while working in their own environment. In addition, both of the references (Kite and VanDusen) teach features that are directed to analogous art and they are directed to the same field of endeavor of database management system, such as, record assignments, and reporting. This relation between both of the references highly suggests an expectation of success.

The combination of Kite in view of VanDusen further discloses:

assignment logic coupled to the database (Page 41, [0549], lines 1 – 8, Loop Facilities Assignment and Control System, Kite), operable to assign a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman ((Page 7, [0337], lines 4 – 11; "...Construction is responsible for repair and splicing work. The Splicing technicians in Construction deal with major problems..."; wherein the Examiner interprets that since the Construction group is responsible for the fiber splice job, then the Construction group is assigned to a fiber splice job as claimed, Kite) and to record the assignment (Page 41, [0549], lines 9 – 12, Kite), wherein in the fiber splice management and assignment system is configured to identify each fiber splice record assigned to the draftsman (Page 41 and 46, [0549] and [0562], lines 2 – 12 and Table: "EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment"; LFACS is an inventory and assignment system for the outside plant ...; respectively, Kite), the draftsman being assigned to make changes shown in a generated engineering work-order to the fiber splice record (Page 37, [0509], Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user...System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature, Kite); and

completion logic coupled to the database, operable to receive a request to close the fiber splice record (Page 55, [0743], lines 5 – 9, Kite) from a draftsman (Page 42, [0556], Table: Service Required: Date by when FACILTY PLANNERS belives service is required for this plan, Kite), and receive a credit amount associated with the fiber splice

job from a fiber splice manager (Page 35, [0499], Table: Users Loop Capacity Managers, Long Term Planners, IOF planners; and Page 14, [0557], line 1, VanDusen), the credit amount being assigned to the draftsman that performed the fiber splice job (Page 7 and 14, [0337] and [0557], lines 4 – 11 and 1; respectively, VanDusen).

Regarding Claim 2, the combination of Kite in view of VanDusen (“Kite/VanDusen” hereinafter) discloses a system, wherein the completion logic is further operable to receive a job number assignment from the fiber splice manager (Page 28, [0452], lines 42 – 43, Kite).

Regarding Claim 3, Kite/VanDusen discloses a system, wherein the assignment logic is further operable to create a printable cover sheet for the fiber splice record (Page 39, [0528], lines 1 – 2, Kite; and Page 20, [0766], lines 1 – 5, VanDusen).

Regarding Claim 4, Kite/VanDusen discloses a system, wherein the fiber splice job comprises providing a logical connection across a network element (Page 20, [0401], lines 27 – 31, Kite) that previously resulted in a disconnect between a fiber input and output (Page 19, [0395], line 1, Kite).

Regarding Claim 5, Kite/VanDusen discloses a system, further comprising:
reporting logic operable to provide a plurality of users with the fiber splice record (Page 53, [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen).

Regarding Claim 6, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a plurality of unassigned fiber splice records (Page 28, [0449], lines 1 – 3, Kite).

Regarding Claim 7, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a report of any fiber splice records which have been assigned to a particular user (Page 28, [0449], lines 1 – 3, Kite; and Page 8, [0257], lines 4 – 7, VanDusen¹).

Regarding Claim 8, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a report of any fiber splice records which have been marked as completed in the database (Page 30, [0479], lines 56 – 62, Kite; and Page 31, [1162], lines 1 – 6, VanDusen).

Regarding Claims 9 and 17, Kite/VanDusen discloses computer readable medium having a program for assigning and managing a plurality of fiber splice jobs, the program comprising the steps of:

storing a fiber splice record associated with a wirecenter in a database (Page 7, [0318], lines 4 – 6 and 9 – 11, Kite), the fiber splice records identifying a fiber splice job to be performed at the wirecenter (Page 7, [0318], lines 9 – 1; features/attributes to the

FMT SDO Database; both automatically from mechanized wire centers, and manually for non-mechanized wire centers ..; Kite), the fire splice job corresponding to a generated engineering work-order (Page 46, [0562], Table: "EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment", Kite);

assigning a fiber splice record associated with a fiber splice job for the wirecenter to a draftsman (Page 7, [0337], lines 4 – 11, Kite) as part of a workflow tracking process for fiber splice jobs (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign ..., Kite; and Page 26, [1034], lines 13 – 17, VanDusen), the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record (Page 37, [0509], "Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user...System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature"; wherein the step of entering notes corresponds to the step of making changes as claimed, Kite; and Page 26, [1035], lines 1 – 4, "...also provide a set of tools for managing error conditions and exceptions, allowing interactive developers to define how a PLP should rollback to earlier steps in a process...", VanDusen);

recording the assignment (Page 41, [0549], lines 9 – 12, Kite);

receiving a request from a user to mark the fiber splice record as closed (Page 55, [0743], lines 5 – 9, Kite); and

¹ Wherein examiner interprets the step of viewing assignments according to user's favorite category as the step of viewing records assigned to a particular user as claimed.

assigning credit for the fiber splice job based upon input from a fiber splice manager (Page 14, [0557], line 1, VanDusen), the credit being assigned to the draftsman that performed the fiber splice job (Page 7 and 14, [0337] and [0557], lines 4 – 11 and 1; respectively, VanDusen).

Regarding Claims 10 and 18, Kite/VanDusen discloses a program, further comprising assigning a job number to the fiber splice record responsive to input from the fiber splice manager (Page 28, [0452], lines 41 – 43, Kite²).

Regarding Claims 11 and 19, Kite/VanDusen discloses a program, further comprising creating a printable cover sheet for the fiber splice record (Page 39, [0528], lines 1 – 2, Kite; and Page 20, [0766], lines 1 – 5, VanDusen).

Regarding Claims 12 and 20, Kite/VanDusen discloses a program, wherein the fiber splice job comprises providing a logical connection across a network element (Page 20, [0401], lines 27 – 31, Kite) that previously resulted in a disconnect between a fiber input and output (Page 19, [0395], line 1, Kite).

Regarding Claims 13 and 21, Kite/VanDusen discloses a program, further comprising providing a plurality of users with the fiber splice record in a report format (Page 53, [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen).

Regarding Claims 14 and 22, Kite/VanDusen discloses a program, further comprising providing a plurality of users with a report of any fiber splice records which have not been assigned to any of a plurality of draftsmen (Page 28, [0449], lines 1 – 3, Kite).

Regarding Claims 15 and 23, Kite/VanDusen discloses a program, further comprising providing the plurality of users with a report of any fiber splice records which have been assigned to a particular user (Page 28, [0449], lines 1 – 3, Kite; and Page 8, [0257], lines 4 – 7, VanDusen³).

Regarding Claims 16 and 24, Kite/VanDusen discloses a program, further comprising providing a plurality of users with a report of any fiber splice records which have been marked as completed in the database (Page 30, [0479], lines 56 – 62, Kite; and Page 31, [1162], lines 1 – 6, VanDusen).

² Wherein the step where the user enters the installation ID (Page 28, [0452], line 41, Kite) corresponds to the step where the manager inputs the job number claimed.

³ Wherein examiner interprets the step of viewing assignments according to user's favorite category as the step of viewing records assigned to a particular user as claimed.

(10) Response to Argument

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Kite (U.S. Patent Publication No. 2005/0149372 A1) in view of VanDusen (U.S. Patent Publication No. 2003/0208397 A1).

Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant argues that the prior art is; "not directed towards a fiber splice job that corresponds to a generated engineering work-order or a workflow tracking process for fiber splice jobs."

Examiner respectfully disagrees. The combination of Kite in view of VanDusen does disclose: the fiber splice jobs corresponding to generated engineering work-orders

(See for example: Page 46, [0562], Table: "EWO # (Engineering Work Order)
Engineering work order that placed or modified that piece of equipment", Kite).

Appellant argues that the applied art; "does not involve actual engineering work orders and associated tracking functions involving making changes to records reflecting the work being performed."

Examiner respectfully disagrees. First, as discussed in this Office Action above, the combination of Kite in view of VanDusen does disclose: engineering work-orders (See for example: Page 46, [0562], Table: "EWO # (Engineering Work Order)
Engineering work order that placed or modified that piece of equipment", Kite).

Second, in response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which applicant relies (i.e., "...tracking functions...", and "...records reflecting the work being performed...") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Third, the combination of Kite in view of VanDusen does disclose the claimed limitation including: as part of a workflow tracking process for fiber splice jobs (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign a SCID that has not been or no longer used. FMT can also provide Staff Support persons the ability to establish rules for SCID assignments. SCID can have Status transition...", Kite; and Page 26, [1034], lines 13 –

17; "...A confirmation screen would end the PLP, with the final step both sending an email notification to the end user confirming their order, and starting up a new workflow instance for internally managing the incoming order"; VanDusen), the draftsman being assigned to make changes shown in the generated engineering work-order to the fiber splice record (Page 37, [0509], "Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user...System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature"; wherein the step of entering notes corresponds to the step of making changes as claimed, Kite; and Page 26, [1035], lines 1 – 4, "...also provide a set of tools for managing error conditions and exceptions, allowing interactive developers to define how a PLP should rollback to earlier steps in a process...", VanDusen).

Appellant argues that the applied art; "is not directed to an assignment of a draftsman to a fiber splice job".

Examiner respectfully disagrees. The combination of Kite in view of VanDusen does disclose an assignment of a draftsman to a fiber splice job (Page 7, [0337], lines 4 – 11; "...Construction is responsible for repair and splicing work. The Splicing technicians in Construction deal with major problems..."; wherein the Examiner interprets that since the Construction group is responsible for the fiber splice job, then the Construction group is assigned to a fiber splice job as claimed, Kite; and Page 6, [0199], "TPMs score technical staff or teams on work product. Scores determined the

nature and amount of new work assigned to each developer. High scorers will have priority for work assignments and receive more complex tasks"; VanDusen).

Appellant's arguments directed towards the rejection of claims 10 – 16, and 18 – 24 reiterate deficiencies Appellant feels were made in the rejection of the independent claims, and do not address any new points. Therefore, the examiner submits that if the rejection of the independent claims is deemed proper, the rejection of claims 10 – 16, and 18 – 24 should also be upheld.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

G.C.

Giovanna Colan
Patent Examiner
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Conferees:

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A handwritten signature in dark ink, appearing to read "John E. Breene", with a stylized flourish at the end.

Apu Mofiz
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Art Unit 2161


for **CHARLES RONES**
SUPERVISORY PATENT EXAMINER

A pre-appeal conference was held on 23 April 2007, and it was agreed to proceed to the board of appeals.